



DONALD L. WOLFE, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: **C-1**

November 1, 2005

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**AWARD OF PUBLIC WORKS CONSTRUCTION CONTRACT  
SUPERVISORIAL DISTRICT 3  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

Award and authorize the Director of Public Works or his designee to prepare the construction contract in the form previously approved by County Counsel, execute the contract, and establish the effective dates following receipt of approved Faithful Performance and Labor and Material bonds filed by the contractor for the following:

Project ID No. WWD2900037 - Winding Way Road and Drain Emergency Repair, City of Malibu (3), to Padilla Paving Company, in amount of \$105,116.00.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

We are recommending that your Board award this construction contract and authorize the Director of Public Works or his designee to execute the contract and establish the effective contract dates following receipt of approved bonds and insurance filed by the contractor for this project.

The enclosure includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposals for this project are also enclosed including an addendum to the contract specifications.

The recommended construction contract is necessary to execute Board-directed and approved Public Works projects in support of operational missions. Your Board's approval of the recommended contract award and our subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The award of this construction contract is consistent with the County Strategic Plan Goal of Service Excellence since the construction of this project will provide improved infrastructure to better serve the public.

### **FISCAL IMPACT/FINANCING**

The enclosure also includes the amount of the recommended contract as compared with the engineer's estimate and the other bids received.

This project is included in the 2005-06 Department of Public Works Budget. The enclosure includes more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The recommended contract award is to the lowest responsible bidder in accordance with the California Public Contract Code and your Board's directives.

On October 27, 1981, your Board adopted a program for the use of small Minority and Women-owned Businesses (MWBs) on Federal- and State-funded highway construction contracts. Companies meeting these requirements are certified by the State as Disadvantaged Business Enterprises (DBEs). An overall goal for subcontracting portions of the work to DBEs is established for each project. Contracts are recommended for award to the lowest responsible bidder who meets the goal or documents a good faith effort to do so in conformance with the program.

We have also developed an outreach program to encourage all qualified contractors to participate in the bidding and contracting process. Under this program, we place notices of upcoming bids in local and minority newspapers throughout the County. These notices indicate that copies of plans and specifications are available at specified libraries and the Public Works Headquarters building. This allows interested contractors to view the plans and specifications at convenient locations. We also provide telephone numbers (including one for Spanish-speaking contractors) to obtain further information on bidding and subcontracting opportunities.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

As required by your Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws.

This contract will be in the form previously approved by County Counsel. We will also review and approve the faithful performance and payment bonds filed by the contractor.

#### **ENVIRONMENTAL DOCUMENTATION**

This project was found to be categorically exempt from the provisions of the California Environmental Quality Act at the time your Board called for bids. The specifics of these findings are included in the enclosure.

### **CONTRACTING PROCESS**

The contract was solicited on an open competitive basis in accordance with the provisions of the Public Contract Code.

The project specifications contain provisions requiring the contractor to report solicitations of improper consideration by County employees and allowing the County to terminate the contract if it is found that the contractor offered or gave improper consideration to County employees.

Public Works has confirmed that the respective contractor is in compliance with the County's Child Support Compliance Program and the requirements of the Contractor Employee Jury Service Program. In addition, the contract will include language requiring compliance with the Newborn Abandonment Law (Safely Surrendered Baby Law).

The project specifications also contain a provision that, should the contractor require additional or replacement personnel to fill employment openings, consideration shall be given to hiring qualified participants in the County's Greater Avenues for Independence or General Relief Opportunities for Work Programs.

To ensure that the contracts are awarded to responsible contractors with satisfactory performance histories, bidders are required to report violations of the False Claims Act violations, labor law/payroll violations, debarments, their civil litigation history, and information regarding prior criminal convictions. The information reported by the respective contractor was considered before making this recommendation to approve execution of the contract.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This construction contract will result in improved public works infrastructure in the communities where the work is scheduled. Where appropriate, local residents and businesses will be informed that traffic and local access may be mildly disrupted during construction. The proposed schedule for construction is included in the enclosure.

The Honorable Board of Supervisors  
November 1, 2005  
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**CONCLUSION**

Please return one adopted copy of this letter to Public Works.

Respectfully submitted,

DONALD L. WOLFE  
Director of Public Works

LGM

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Enc.

cc: Chief Administrative Office  
County Counsel  
Office of Affirmative Action Compliance

AWARD OF CONTRACT  
November 1, 2005

PROJECT ID NO. WWD2900037, WINDING WAY ROAD AND DRAIN EMERGENCY REPAIR (City of Malibu), Supervisorial District 3

TYPE OF WORK: Repair of approximately 140 feet of undermined roadway and replacement of a drainage structure.

CALL FOR BIDS: September 20, 2005 (Synopsis 43)

BID OPENING: October 18, 2005

BID SUMMARY:

Low	*Padilla Paving Company, a corporation 17235 Sierra Highway Santa Clarita, California 91351 (661) 298-2240	\$105,116.00
2	Dalaj International Corp.	\$125,460.00
3	Garcia Juarez Construction, Inc.	\$131,325.00
4	Excel Paving Company	\$140,355.00

\*MWBE

AIS Construction Company submitted a bid in the amount of \$105,330.00; however, their bid bond was not valid. Therefore, their bid was considered nonresponsive and rejected as provided in the "Instructions to Bidders."

FINANCIAL INFORMATION:

Amount of estimate	\$ 71,870.00
Amount of recommended contract	\$105,116.00
Amount of recommended contract above estimate	\$ 33,246.00

The amount of the recommended contract is 46 percent above the estimate.

Sufficient funds for this project are available in the General Fund of Waterworks District No. 29, Malibu, for the Fiscal Year 2005-06.

On September 20, 2005, your Board delegated to the Director of Public Works the authority to award the contract to the lowest responsive and responsible bidder within or less than the estimated construction cost. The estimated construction cost was in the range of \$60,000 to \$90,000. However, the lowest bid exceeded the authorized amount by \$15,116.00. A review of the estimate indicates that the prices estimated for imported borrow and riprap were significantly underestimated based on the small quantities and the location of the project. We do not believe that readvertising the project will result in lower bids. We recommend award of the project to Padilla Paving Company in the amount of \$105,116.00.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

Padilla Paving Company has no MWBE subcontractors/suppliers under this contract. This contract does not have a Federal or State DBE goal.

ENVIRONMENTAL IMPACT:

The California Environmental Quality Act requires public agency decision makers to document and consider the environmental implications of their actions. This project is statutorily exempt pursuant to Section 15269 of the California Environmental Quality Act Guidelines.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 40 working days. It is estimated that the work will start in December 2005 and be completed in February 2006.

CM:lgm

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